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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/422,360 04/17/95 LOWENSTEIN M HML-201-A-1

MEDLEY EXAMINER

E1M1/0903

WEINER CARRIER & BURT
MAXIM BUILDING
SUITE 207
42400 GRAND RIVER AVENUE
NOVI MI 48375-2573

ART UNIT	PAPER NUMBER
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2104

DATE MAILED:

09/03/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.
08/422,360

Applicant(s)
Lowenstein

Examiner
Sally Medley

Group Art Unit
2104



The Appeal Brief filed on May 17, 1996 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed as of the expiration of the period provided by 37 CFR 1.192(a). No extension of this one month time limit may be obtained under either 37 CFR 1.136(a) or (b) but the original two-month period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to six months from the date of the Notice of Appeal. The new complete brief must be filed IN TRIPLICATE. See 37 CFR 1.192(a).

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims. 37 CFR 1.192(c)(3).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment. 37 CFR 1.192(c)(4).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. 37 CFR 1.192(c)(5).
5. ☐ The brief does not contain a concise statement of the issues presented for review. 37 CFR 1.192(c)(6).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - a. ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - b. ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal. 37 CFR 1.192(c)(8).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto. 37 CFR 1.192(c)(9).
9. ☒ Other (including any explanation in support of the above items):

The claims in the appendix do not reflect the after final amendment entered. The brief is not in the proper order (real party in interest and related appeals should appear first). Applicant states, under the grouping of the claims that each claim stands on its own merits. However, the arguments section does not clearly reflect why each stand alone. For example regarding the argument section for claims 2 and 3, applicant does not point out why claim 2 is patentably distinct and separately why claim 3 is patentably distinct. Applicant addresses both of these claims together. There are similar occurrences throughout the brief. See MPEP 1206 (7) for a clear explanation regarding grouping of claims.

SEM
8/30/96

JEFFREY A. GAFFIN
SUPERVISORY PATENT EXAMINER
GROUP 2100